

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rule making related to online learning

The State Board of Education hereby amends Chapter 15, “Use of Online Learning and Telecommunications for Instruction by Schools,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7(32).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 256.7(32) and 256.41 to 256.43 and 2018 Iowa Acts, Senate Files 2415 and 475.

Purpose and Summary

2018 Iowa Acts, Senate Files 475, 2131 and 2415, established that the State Board shall adopt rules for online learning in accordance with Iowa Code sections 256.41 to 256.43. Several changes to the current rules are incorporated in this rule making, including removing the statewide cap on students enrolled in online schools, rearranging substantive requirements, and adding a requirement that the Director maintain a list of private providers that meet the standards and a requirement that providers apply to the Department as required. The amendments also allow school districts to provide coursework primarily online to open enrolled students. The amendments implement 2018 Iowa Acts, Senate Files 475 and 2415.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 5, 2018, as **ARC 4158C**. A public hearing was held on January 8, 2019, at 10 a.m. in the State Board Room, Second Floor, Grimes State Office Building, Des Moines, Iowa. One person attended the public hearing. One public comment was received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board on January 16, 2019.

Fiscal Impact

The fiscal impact of this rule making depends on which districts take advantage of the new opportunities to offer online learning. Online learning is an option but not required of districts.

Jobs Impact

This rule making may increase job opportunities in the area of online learning.

Waivers

An agencywide rule waiver is provided for in 281—Chapter 4.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on March 20, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend rule 281—15.7(256) as follows:

281—15.7(256) School district responsibilities. ~~Subject to the prohibition in rule 281—15.8(256), any~~

15.7(1) General. Any online coursework offered by a school district shall be offered solely to resident students of the school district, or students attending the school district through a sharing agreement with another school district, or students attending the school district pursuant to Iowa Code section 282.18. Online coursework shall be aligned with the Iowa core standards as applicable and shall be taught by a teacher appropriately licensed and endorsed for the educational level and content area being taught. The teacher may be employed directly by the school district or by a third-party provider of the online curricula used by the school district. Teachers employed by the school district shall be subject to the provisions of Iowa Code chapters 272, 279, and 284. Teachers employed by a third-party provider shall be subject to the provisions of Iowa Code chapter 272; these teachers must be given access to appropriate professional development by the school district, but otherwise are not subject to the provisions of Iowa Code chapters 279 and 284.

15.7(2) Monitoring and supervision. A school district providing educational instruction and course content delivered primarily over the Internet shall do all of the following with regard to such instruction and content:

- a. Monitor and verify full-time student enrollment, timely completion of graduation requirements, course credit accrual, and course completion.
- b. Monitor and verify student progress and performance in each course through a school-based assessment plan that includes submission of coursework and security and validity of testing components.
- c. Conduct parent-teacher conferences.
- d. Administer assessments required by the state to all students in a proctored setting and pursuant to state law.

ITEM 2. Rescind rule 281—15.8(256) and adopt the following **new** rule in lieu thereof:

281—15.8(256) Data reporting.

15.8(1) District responsibilities. A school district providing educational instruction and course content that are delivered primarily over the Internet pursuant to this division shall annually submit to the department, in the manner prescribed by the department, data that includes but is not limited to the following:

- a. Student achievement and demographic characteristics.
- b. Retention rates.
- c. The percentage of enrolled students' active participation in extracurricular activities.
- d. Academic proficiency levels, consistent with requirements applicable to all school districts and accredited nonpublic schools in this state.
- e. Academic growth measures, which shall include either of the following:
 - (1) Entry and exit assessments in, at a minimum, math and English for elementary and middle school students, and additional subjects, including science, for high school students.
 - (2) State-required assessments that track year-over-year improvements in academic proficiency.
- f. Academic mobility. To facilitate the tracking of academic mobility, school districts shall request the following information from the parent or guardian of a student enrolled in educational instruction and course content that are delivered primarily over the Internet pursuant to this division:
 - (1) For a student newly enrolling, the reasons for choosing such enrollment.

(2) For a student terminating enrollment, the reasons for terminating such enrollment.

g. Student progress toward graduation. Measurement of such progress shall account for specific characteristics of each enrolled student, including but not limited to age and course credit accrued prior to enrollment in educational instruction and course content that are delivered primarily over the Internet pursuant to this division, and shall be consistent with evidence-based best practices.

15.8(2) Department responsibilities. The department shall compile and review the data collected pursuant to this division and shall submit its findings and recommendations for the continued delivery of educational instruction and course content by school districts delivered primarily over the Internet, in a report to the general assembly by January 15 annually.

ITEM 3. Rescind rule 281—15.11(256) and adopt the following new rule in lieu thereof:

281—15.11(256) Conditions under which ILO coursework may be used to satisfy general accreditation requirements.

15.11(1) General. Subject to the exceptions contained in subrules 15.11(2) and 15.11(3), ILO coursework may not be used to meet the requirements of Iowa Code section 256.11(5), which require that specified subjects be offered and taught by a school district or accredited nonpublic school.

15.11(2) Use of ILO for up to two specified subjects. The requirements of subrule 15.11(1) shall not apply if a school district or school demonstrates either of the following conditions:

a. The school district or school makes every reasonable and good faith effort to employ a teacher licensed under Iowa Code chapter 272 for the specified subject and is unable to employ such a teacher.

b. Fewer than ten students typically register for instruction in the specified subject at the school district or school.

15.11(3) Waiver for additional specified subjects. The department may waive for one school year the applicability of Iowa Code section 256.11(5), at its discretion, to additional specified subjects for a school district or accredited nonpublic school that proves to the satisfaction of the department that the school district or school has made every reasonable effort but is unable to meet the requirements of Iowa Code section 256.11(5). A school district or accredited nonpublic school may apply for an annual waiver each year.

15.11(4) Use of private providers. Any specified subject course to which Iowa Code section 256.11(5) does not apply under either subrule 15.11(2) or 15.11(3) shall be provided by ILO if ILO offers the course, unless the course offered by ILO lacks the capacity to accommodate additional students. In that case, the specified subject course may instead be provided by the school district or accredited nonpublic school:

a. Through an online learning platform if the course is developed by the school district or accredited nonpublic school itself, provided the course is taught by an Iowa licensed teacher with online learning experience and the course content is aligned with the Iowa content standards and satisfies the requirements of subrule 15.13(1).

b. Through a private provider utilized to provide the course that meets the standards of subrule 15.13(1) and is approved in accordance with rule 281—15.16(256).

15.11(5) Definition. For purposes of this rule, “good faith effort” means the same as defined in Iowa Code section 279.19A(9).

ITEM 4. Amend rule 281—15.12(256) as follows:

281—15.12(256) School and school district responsibilities. Each participating school district and accredited nonpublic school shall submit its online curricula, excluding coursework provided by ILO, to the department for review. Each participating school district and accredited nonpublic school shall include in its comprehensive school improvement plan submitted pursuant to Iowa Code section 256.7(21) a list and description of the online coursework offered by the school or school district, excluding coursework provided by ILO. Each participating school district and accredited nonpublic school is responsible for recording grades received for ILO coursework in a student’s permanent record and for awarding graduation credit for ILO coursework. Each participating school district and

accredited nonpublic school shall identify a site coordinator to serve as a student advocate and as a liaison between the initiative staff and teachers and the school district or accredited nonpublic school. Each participating school district and school shall pay the fees prescribed by subrule 15.13(2). A school district may provide courses developed by private providers and delivered primarily over the Internet to pupils who are participating in open enrollment under Iowa Code section 282.18. However, if a student's participation in open enrollment to receive educational instruction and course content delivered primarily over the Internet results in the termination of enrollment in the receiving district, the receiving district shall, within 30 days of the termination, notify the district of residence of the termination and the date of the termination. A rebate for tuition or fees paid or any other dividend or bonus moneys for enrollment of a child shall not be offered or provided directly or indirectly by a school district, school, or private provider to the parent or guardian of a pupil who enrolls in a school district or school to receive educational instruction and course content delivered primarily over the Internet.

ITEM 5. Amend rule 281—15.13(256) as follows:

281—15.13(256) Department responsibilities.

15.13(1) *Course quality.* The department shall annually evaluate the quality of courses offered under ILO to ensure that coursework is rigorous and of high quality and is aligned with Iowa's core curriculum and core content requirements and standards as well as with national standards of quality for online courses issued by an internationally recognized association for elementary and secondary online learning. The department shall ensure that all ILO coursework is taught by a teacher who is appropriately licensed and endorsed for the educational level and content area being taught and who has completed an online-learning-for-Iowa-educators professional development course offered by an area education agency, a teacher preservice program, or comparable coursework. The director of the department shall maintain a list of approved online providers that meet the standards of this subrule and provide course content through an online learning platform taught by a teacher licensed under Iowa Code chapter 272 who has specialized training or experience in online learning. This list shall be maintained pursuant to subrule 15.16(2). Providers shall apply for approval annually or as determined by the department.

15.13(2) No change.

ITEM 6. Adopt the following **new** rule 281—15.16(256):

281—15.16(256) Private providers of online coursework.

15.16(1) *School district discretion.* At the discretion of a school board or authorities in charge of an accredited nonpublic school, after consideration of circumstances created by necessity, convenience, and cost-effectiveness, courses developed by private providers may be utilized by a school district or school in implementing a high-quality online learning program. Courses obtained from private providers shall be taught by teachers licensed under Iowa Code chapter 272.

15.16(2) *Department approval of private providers.* Private providers utilized to provide courses by a school district or accredited nonpublic school in accordance with this chapter shall meet the standards of subrule 15.13(1) and be approved in accordance with this subrule. The department shall establish an application process and review process for courses developed by private providers, including establishing a schedule of opportunities for new course approval applications, which shall be available at least annually, and a review cycle of courses previously approved.

ITEM 7. Amend **281—Chapter 15**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 256.2, 256.7, 256.9, and ~~256.42~~ 256.41 to 256.43.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/13/19.